

TITLE 3

ANIMAL CONTROL

Chapter 1 ANIMAL CONTROL

3-1-1. Definitions.

- (a) Animal: Any domestic, non-human vertebrate animal.
- (b) Animal boarding establishment: Any establishment that takes in animals for boarding for profit.
- (c) Animal grooming parlor: Any establishment maintained for the purpose of offering cosmetological services for animals for profit.
- (d) Animal shelter: A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah under Section 76-9-302, U.C.A. 1953(1), as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.
- (e) Animals at large: Any domesticated animal, whether or not licensed, not under restraint as defined below.
- (f) Animal under restraint: Any animal under the control of its owner or person having charge, care, custody or control, except that a dog shall not be considered under the control of the owner unless on a leash or lead no longer than 20 feet in length, confined within a vehicle, or confined within the real property limits of the owner either behind a secure fence structure or securely restrained by a leash or lead.
- (g) Bite: An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
- (h) Cat: Any age feline of the domesticated type.
- (i) Cattery: An establishment for boarding, breeding, buying, grooming or selling cats for profit.

- (j) Dog: Any canis familiaris over four (4) months of age. Any canis familiaris under four months of age is a puppy.
- (k) Domesticated animals: Animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine and goats.
- (l) Stray: Any animal at large as defined herein.
- (m) Guard dog: A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.
- (n) Holding facility: Any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or other such facility used for holding animals.
- (o) Kennel: A commercial establishment having three or more dogs for the purpose of board, breeding, buying, grooming, letting for hire, training for fee, or selling.
- (p) Leash or lead: Any chain, rope or device used to restrain an animal.
- (q) Pet: A domesticated animal kept for pleasure rather than utility, including but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.
- (r) Pet shop: Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.
- (s) Quarantine: The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
- (t) Riding school or stable: An establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro or which offers such animals for hire.
- (u) Vicious animal: Any animal which is dangerously aggressive, including, but not limited to any animal which has bitten or in any other manner attacked any person or animal.
- (v) Wild animal: Any animal of a species that in their natural life are wild. Those animals, however domesticated, shall include but are not limited to:
 - (1) Alligators and crocodiles.
 - (2) Bears (ursidae). All bears including grizzly bears, brown bears, black bears, etc.
 - (3) Cat family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain

lions, tigers, wildcats, etc.

- (4) Dog family (canidae). All except domesticated dogs, and including wolf, fox, coyote, dingo, etc. or any hybrid thereof. Amended 2/22/94, Ord. 94-11, Published 3/10/94.
- (5) Porcupine (erethizontidae).
- (6) Primate (hominiddae). All subhuman primates.
- (7) Raccoon (prosynnidae). All raccoons including eastern raccoon, desert raccoon, ring-tailed cat, etc.
- (8) Skunks.
- (9) Venomous fish and piranha.
- (10) Venomous snakes or lizards.
- (11) Weasels (mustelidae). All including weasels, martins, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc., except that persons raising members of this family as a business for their pelts shall not be prohibited by this ordinance.

3-1-2. Department of Animal Control.

There is hereby created a Division of Animal Control, which division shall be a part of and under the supervision of the Sandy City Police Department.

3-1-3. Powers of Animal Control Officials.

- (a) The Animal Control Director or any person employed by the Division of Animal Control as an animal control officer shall take the oath of office and shall be vested with the power and authority to enforce the provisions of this title.
- (b) The Animal Control Director, his deputies, assistants, and Animal Control officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance and including licensable dogs for which no license has been procured in accordance with this chapter or any licensed or unlicensed dogs for any other violation thereof.
- (c) In the enforcement of this title any peace officer or the Director of Animal Control or his assistants are authorized to enter onto the open premises of any person to take possession of any dog in violation of this title.

3-1-4. Duties of Animal Control Officers.

- (a) The Animal Control Director shall:
 - (1) Enforce the provisions of this title and perform other responsibilities pursuant

thereto.

- (2) Supervise the municipal animal shelter(s) under his jurisdiction.
- (3) Keep adequate records of all animals impounded and all monies collected.
- (4) See that all animals and animal holding facilities in his jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations.
- (5) Establish, in cooperation with the Salt Lake City-County Health Department and other interested governmental agencies, adequate measures for rabies immunization and control.

(b) Each Animal Control officer shall:

- (1) Enforce the provisions of this chapter in all respects pertaining to animal control within the jurisdiction including the care and impounding of animals and prevention of cruelty to animals.
- (2) Carry out all duties prescribed or delegated by the Director.

3-1-5. Interference with Officer Prohibited.

(a) It shall be unlawful for any person to knowingly and intentionally interfere with the Director or any Animal Control officer in the lawful discharge of his duties as herein prescribed.

(b) It shall be unlawful for any person to give or provide false personal identification information to any Animal Control officer.

3-1-6. Dog Licensing.

- (a) All dogs must be licensed each year, except as otherwise provided herein, to a person of the age of 18 years or older.
- (b) Any person owning, possessing or harboring any dog shall obtain a license for such animal within thirty (30) days after dog reaches the age of four (4) months; or in the case of a dog over four (4) months, within ten (10) days of the acquisition of the dog.
- (c) License applications must be submitted annually to the Division of Animal Control, utilizing a standard form which requests name, address, and telephone number of the applicant; breed, sex, color and age of the animal; rabies

information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations shall be given by a licensed veterinarian every two (2) years.

- (d) License fees shall be established by resolution of the Sandy City Council.

No dog will be licensed as spayed or neutered without proof that such surgery was performed.

- (e) Any dog license issued from and after December 1980 shall be valid for 12 consecutive months from the date of issue. A late fee shall be assessed for any license purchased after the expiration of a previously valid license.
- (f) No person or persons at any one residence within the jurisdiction shall at any one time own more than two (2) dogs in any combination.

3-1-7. License Tag.

- (a) Upon payment of the license fee, where such fee is required, the Division of Animal Control shall issue to the owner a certificate and a tag for each dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and tag are constantly worn. Failure to attach the tag as provided shall be in violation of this ordinance, except that dogs which are kept for show purposes are exempt from wearing the collar and tag.
- (b) Dog tags are not transferable from one dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of \$1.00 to the Division of Animal Control.
- (c) No person removing or causing to be removed the collar, harness or tag from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian or Animal Control officer who removes such for medical or other reasons, shall be in violation of this ordinance.

3-1-8. Licensing: Exemptions.

- (a) The provisions of Section 6 and 7 herein shall not apply to:
 - (1) Licensed dogs whose owners are non- residents temporarily (up to 30 days) within the jurisdiction; licensed dogs whose owners remain within the jurisdiction longer than thirty (30) days may transfer a valid license issued by another jurisdiction to the local license upon payment of a \$1.00 fee and proof of current rabies vaccination.
 - (2) Individual dogs within a properly licensed dog kennel or other such

establishment when such dogs are held for resale.

- (b) The fee provisions of Section 6 shall not apply to:
- (1) Seeing-eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.
 - (2) Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.
 - (3) Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.
 - (4) Dogs owned by persons who have demonstrated impecuniosity by filing an affidavit thereof which conforms to the form and procedure established by the Animal Control Division.
- (c) Nothing in this section shall be construed so as to exempt any dogs from having a current rabies vaccination.

3-1-9. Unlawful to Harbor Stray Dogs.

It shall be unlawful for any person or entity except an authorized governmental animal welfare society incorporated within the State of Utah under Section 76-9-302, U.C.A., 1953(2), as amended, to harbor or keep any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Animal Control Division within 24 hours, and the Department shall impound the dog as herein provided.

3-1-10. Animals Running at Large.

It shall be unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows the animal is running at large.

3-1-11. Dogs on Unenclosed Premises.

It shall be unlawful for any person to chain, stake out, or tether any dog in any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

3-1-12. Female Dogs in Heat.

Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming

into contact with other dogs and creating a nuisance, except for planned breeding.

3-1-13. Places Prohibited to Dogs.

- (a) It shall be unlawful for any person to take or permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores.
- (b) It shall be unlawful for any person keeping, harboring or having charge or control of any dog to allow said dog to be within any watershed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future.
- (c) It shall be unlawful for any person to allow any dog to enter or be in any place of worship during public services or in any public school building while school is in session, except for purposes of instruction when authorized by a teacher at the said school directly involved with the said instruction.
- (d) It shall be unlawful for any person to allow any dog to enter any public property where dogs are prohibited by sign or other reasonable means of notification.

3-1-14. Dogs Attacking Persons and Animals.

- (a) Attacking dogs. It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. Worry as used in this section shall mean to harass by tearing, biting or shaking with the teeth.
- (b) Owner liability. The owner in violation of subsection (a) above shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection (a) above, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.
- (c) Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:
 - (1) That the dog was properly confined on the premises.
 - (2) That the dog was deliberately or maliciously provoked.
- (d) Dogs may be Killed. Any person may kill a dog while it is committing any of the acts specified in subsection (a) above or while such dog is being pursued thereafter.

3-1-15. Fierce, Dangerous or Vicious Animals.

It shall be unlawful for the owner of any fierce, dangerous, or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal, so that it shall not injure any person or property, is a hazard to public safety and the Director of Animal Control shall seek a court order pursuant to Section 31 for destruction of or muzzling of the animal.

3-1-16. Nuisance: Animals.

Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance as defined below shall be in violation of this title and subject to the penalties provided herein. The following shall be deemed a nuisance:

- (a) Any animal which:
 - (1) causes damage to the property of anyone other than its owner;
 - (2) is a vicious animal as defined herein and kept contrary to Section 15 above;
 - (3) causes unreasonable fouling of the air by odors;
 - (4) causes unsanitary conditions in enclosures or surroundings;
 - (5) defecates on any public sidewalk, park, or building or on any private property without the consent of the owner of such private property; unless the person owning, having a proprietary interest in, harboring, or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle.
 - (6) barks, whines or howls or makes other disturbing noises in an excessive, continuous, or untimely fashion;
 - (7) molests passersby or chases passing vehicles;
 - (8) attacks other domestic animals;
 - (9) is determined by the Division of Animal Control or City-County Health Department to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety.
- (b) Any animals which, by virtue of the number maintained are determined by the Division of Animal Control or City-County Health Department to be offensive or dangerous to the public health, welfare or safety.

3-1-17. Revocation of Dog License.

If the owner of any dog is found to be in violation of this chapter on three or more different occasions during any twelve month period, the Director of Animal Control may seek a

court order pursuant to Section 31, revoking for a period of one year any dog license(s) such person may possess and impound any dog(s) kept by the person under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of this chapter for impounded animals except that the person under the order of revocation shall not be allowed to redeem the dog under any circumstances.

3-1-18. Bites: Duty to Report.

- (a) Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Division of Animal Control or to the Salt Lake City- County Health Department.
- (b) The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Division of Animal Control or the Health Department within 24 hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.
- (c) A physician or other medical person who renders professional treatment to a person bitten by an animal shall report the fact that he has rendered professional treatment to the Division of Animal Control or the City-County Health Department within 24 hours of his first professional attendance. He shall report the name, sex and address of the person bitten as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Division of Animal Control in ascertaining the immunization status of the animal.
- (d) Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Division of Animal Control. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.
- (e) Any person not conforming with the requirements of this section shall be in violation thereof.

3-1-19. Control of Rabies and Rabid Animals.

- (a) Rabies vaccination required for dogs and cats. The owner or person having the charge, care, custody and control of a cat or dog four months of age or older shall have the animal vaccinated within 30 days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard, or premises shall be responsible for said vaccination. Unvaccinated dogs and cats over four months of age shall be vaccinated within thirty (30) days of purchase or arrival. Every dog shall be re-vaccinated thereafter every 36 months and every cat shall be re-vaccinated thereafter every 12 months with a modified virus rabies vaccine approved by the

Salt Lake City-County Health Department. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.

- (b) Duties of veterinarian and tag requirements. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) which includes the following information:

- (1) owner's name and address;
- (2) description of animal (breed, sex, markings, age, name);
- (3) date of vaccination;
- (4) rabies vaccination tag number;
- (5) type of rabies vaccine administered;
- (6) manufacturer's serial number of vaccine.

A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this section. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the animal. An animal not wearing such a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this chapter.

- (c) Transient animal - exception. The provisions of this section with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within the jurisdictions for less than thirty (30) days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations.

- (d) Impoundment of animal without valid rabies vaccination tag.

- (1) Any vaccinated animal impounded because of lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
- (2) Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.
- (3) Any dog not reclaimed prior to the specified period shall be disposed of pursuant to provisions of Section 22.

- (e) Reporting of rabid animals. Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies; or of an animal or person bitten by such a suspect animal, shall notify the division of

Animal Control, the City-County Health Department or the Utah State Division of Health.

(f) Quarantining and disposition of biting or rabid animals.

- (1) An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal suspected of having rabies shall immediately be confined to a secure place by the owner. The owner shall turn over the animal to the Division of Animal Control upon demand.
 - (2) The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this chapter may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.
 - (3) Any animal of a species subject to rabies that bites a person or animal or suspected of having rabies may be seized and quarantined for observation for a period of not less than ten (10) days by the Division of Animal Control and/or the Health Department. The owner of the animal shall bear the costs of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by owner, may be made by the Director of Animal Control and/or the Director of Health if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying the exception. A person who has custody of an animal under quarantine shall immediately notify the Division of Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Health or Animal Control officer to make an inspection during the period of quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the Division or immediately remove and deliver the head to the State Health Laboratory to be examined for rabies. If, at the end of the ten (10) day period, the Director of Animal Control examines the animal and finds no sign of rabies, the animal may be released to the owner or in the case of a stray, it shall be disposed of as provided in Section 21.
- (A) Any wild animal as defined by 3-1-1(v) that bites or scratches a person or animal or that is suspected of having rabies may be seized and euthanized(3) for examination of rabies pursuant to Utah Department of Health rules and regulations.

Amended 2/22/94, Ord. 94-11, Published 3/10/94.

- (4) Unvaccinated bitten animals.
 - (A) In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed.
 - (B) If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.
- (5) Vaccinated bitten animals.
 - (A) If the bitten or exposed animal has been vaccinated, the animal shall be re-vaccinated within 24 hours and quarantined for a period of thirty (30) days following re- vaccination; or
 - (B) If the animal is not re-vaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months.
 - (C) The animal shall be destroyed if the owner does not comply with items (A) or (B) of the subsection (5).
- (6) Removal of quarantined animal. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission from the Division of Animal Control.
- (7) More than two bites in one year. If any animal bites or attacks a person or animal two times or more in a twelve (12) month period, such animal may be immediately impounded by the Division of Animal Control without a court order and held at owner expenses pending court action. Any such animal shall be deemed a vicious animal, and the Director of Animal Control may seek a court order as provided in Section 32, for destruction of the animal. Parties owning such animal shall, if possible, be notified immediately of the animal's location by the Animal Control Division.

3-1-20. Impounding: Animals To Be Impounded.

The Animal Control Director shall place all animals which he takes into custody in a designated animal impound facility. The following animals may be taken into custody by the Animal Control Director and impounded without the filing of a complaint:

- (a) Any animal being kept or maintained contrary to provisions of this ordinance;
- (b) Any animal running at large contrary to the provisions of this ordinance;
- (c) Any animal which is by this ordinance required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of

this section.

- (d) Sick or injured animals whose owner cannot be located;
- (e) Any abandoned animal;
- (f) Animals which are not vaccinated for rabies(4) in accordance with the requirements of this ordinance;
- (g) Any animal to be held for quarantine;
- (h) Any vicious animal not properly confined as required in section 15 herein.
- (i) Any animal which is being abused or neglected.

3-1-21. Impounding: Records to be Kept.

The impounding facility shall keep a record of each animal impounded which includes the following information:

- (a) Complete description of the animal, including tag numbers.
- (b) The manner and date of impound.
- (c) The location of the pickup and the name of the officer picking up the animal.
- (d) The manner and date of disposal.
- (e) The name and address of the redeemer or purchaser.
- (f) The name and address of any person relinquishing an animal to the impound facility.
- (g) All fees received.
- (h) All expenses accruing during impoundment.
- (i) Any animal which is being abused or neglected.

3-1-22. Impounding: Disposition of Animals.

- (a) Animals, with the exception of cats, shall be impounded for a minimum of five (5) calendar days before further disposition, except as otherwise provided herein. Cats shall be impounded for a minimum of three (3) herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. An animal voluntarily relinquished to the Animal Control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.
- (b) All dogs and cats, except for those quarantined or confined by court order, held

longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility may be destroyed or sold as the Animal Control director shall direct. Any healthy dog or cat may be sold to any person or to any institution engaged in scientific research and desiring to purchase such animal for a price to be determined by the Director but not to exceed \$30.00 per animal, plus license and rabies vaccination if required.

- (c) Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention may, in the discretion of the Animal Control Director, be released to the care of a veterinarian with the consent of the owner.
- (d) When, in the judgment of the Animal Control Director, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

3-1-23. Impounding: Redemption.

The owner of any impounded animal or his authorized representative may redeem such animal before disposition provided he pays:

- (a) The impound fee in the amount set by resolution of the Sandy City Council;
- (b) The daily board charge;
- (c) Veterinary costs incurred during the impound period, including rabies vaccination;
- (d) License fee as established by resolution of the Sandy City Council shall be paid, unless previously paid, prior to the redemption of an impounded animal. No impound fee will be charged the reporting owners of suspected rabid animals if they comply with Section 19 herein.

3-1-24. Animal Shelter.

- (a) The governing authority shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for impounded animals.
- (b) The governing authority shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this ordinance or by the laws of the State of Utah.
- (c) The governing authority may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this chapter.

3-1-25. Cruelty to Animals Prohibited.

- (a) A person is guilty of cruelty to animals if the person intentionally, knowingly, recklessly, or with criminal negligence:
 - (1) fails to provide necessary food, care, or shelter for an animal in his custody;
 - (2) abandons an animal in the person's custody;
 - (3) transports or confines an animal in a cruel manner;
 - (4) injures an animal;
 - (5) causes any animal, not including a dog, to fight with another animal of like kind for amusement or gain; or
 - (6) causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain;
- (b) A violation of subsection (1) is:
 - (1) a class B misdemeanor if committed intentionally or knowingly; and
 - (2) a class C misdemeanor if committed recklessly or with criminal negligence;
- (c) a person is guilty of aggravated cruelty to an animal if the person:
 - (1) tortures an animal;
 - (2) administers poison or poisonous substances to an animal without having a legal privilege to do so;
 - (3) kills or causes to be killed an animal without having a legal privilege to do so.
- (d) A violation of Subsection (c) is:
 - (1) a class B misdemeanor if committed recklessly; and
 - (2) a class C misdemeanor if committed without criminal negligence.
- (e) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
 - (1) by a licensed veterinarian using accepted veterinary practice;
 - (2) directly related to a bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
 - (3) permitted under Section 18-1-3, U.C.A(5).

- (4) by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or
 - (5) by a person who humanely destroys any apparently abandoned animal found on the person's property.
 - (6) by Sandy Animal Control pursuant to 3-1-20 through 3-1-23 of the Revised Ordinances of Sandy City.
- (f) For purposes of subsection (e)(4), before destroying the animal, the person who is not the owner of the animal shall obtain:
 - (1) the judgment of a veterinarian of the animal's recoverable condition;
 - (2) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;
 - (3) the consent from the owner of the animal to the destruction of the animal; or
 - (4) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.
- (g) This section does not affect or prohibit the training, instruction, grooming of animals, so long as methods used are in accordance with accepted husbandry practices.
- (h) This section does not affect or prohibit the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal.
- (i) Upon conviction under this section, the court may in its discretion, in addition to other penalties:
 - (1) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
 - (2) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;
 - (3) order the defendant to no longer possess or retain custody of any animal as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and
 - (4) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency, an animal welfare

agency registered with the state, sold at public auction, or humanely destroyed.

(j) This section does not prohibit the use of animals in lawful training.

(k) As used in this section:

(1) "Abandon" means intentionally deposit, leave or drop off any live animal;

A. without providing for the care of that animal; or

B. in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

(2) A. "Animal" means a live, nonhuman vertebrate creature.

B. "Animal" does not include animals kept or owned for agricultural purposes and cared for in accordance with accepted husbandry practices, animals used for rodeo purposes, and does not include protected and unprotected wildlife as defined in Section 23-13-2, U.C.A.(6)

(3) "Custody" means ownership, possession, or control over an animal.

(4) "Legal privilege" means an act authorized by state law, including Division of Wildlife Resources statutes and rules and conducted in conformance with local ordinances.

(5) "Necessary food, care, and shelter" means appropriate and essential food and other needs of the animal, including veterinary care, and adequate protection against extreme weather conditions.

(l) Spectator at organized animal fighting exhibitions: It is unlawful for a person to knowingly be present as a spectator at any place, building, or tenement where preparations are being made for an exhibition of the fighting of animals, as prohibited by subsections (a)(5) and (a)(6) above, or to be present at such exhibition, regardless of whether any entrance fee has been charged. A person who violates this subsection is guilty of a class B misdemeanor.

(m) Enhanced penalties.

(1) "Conviction" means a conviction by plea or by verdict.

(2) A person who commits any violation of Section 3-1-25 or any local, county or state law substantially similar to 3-1-25 within the state, and on at least one previous occasion has been convicted of violating Section 3-1-25, shall be subject to an enhanced penalty as provided in Subsection (3) below.

(3) The enhanced degree of offense for offenses committed under this section are:

A. if the offense is a class C misdemeanor, it is a class B misdemeanor;
and

B. if the offense is a class B misdemeanor, it is a class A misdemeanor.

(4) A. The prosecuting attorney shall provide written notice upon the information that the defendant is subject to an enhanced degree of offense or penalty under subsection (3). The notice shall be served upon the defendant or his attorney not later than ten days prior to trial.

B. If the notice is not included initially, the court may subsequently allow the prosecutor to amend the charging document to include the notice if the court finds:

(i) that the amended charging documents, including any statement of probable cause, provide notice that the defendant is subject to an enhanced penalty provided under this section; and

(ii) that the defendant has not otherwise been substantially prejudiced by the amendment.

3-1-26. REPEALED ORD. #92-11, Feb. 4, 1992, published Feb. 20, 1992.

3-1-27. Sale of Animals.

- (a) Rabbits or fowl: It shall be unlawful for any person to sell, offer for sale, barter or give away any baby rabbits or fowl under two (2) months of age in any quantity less than six (6). Such animals shall not be artificially dyed or colored. Nothing in this provision shall be construed to prohibit the raising of such rabbits and fowl by a private individual for his personal use and consumption, provided that he shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his possession.
- (b) Premiums and novelties: It shall be unlawful for any person to offer as a premium, prize, award, novelty, or incentive to purchasing merchandise, any live animal.
- (c) Pet turtles: It shall be unlawful for any pet shop to raise or sell any Pseudemys Scripta-Elgans, or P. Troostii family Testudinidae, "pet turtles."

3-1-28. Wild Animals. or hybrids.

- (a) It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal as defined in Section 3-1-1(v) or any wild animal which is fierce, dangerous, noxious, or naturally inclined to do harm, or any animal which cannot be properly vaccinated for rabies as determined by the Utah Department of Health. This shall not include the animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus sideshow, amusement show or facility for education or scientific purposes. The excepted facilities may keep such an animal if protective devices adequate to prevent such

animal from escaping or injuring the public are provided.

- (b) It shall be unlawful for any person to keep an animal of a species prohibited or protected by Title 50 of the Code of Federal Regulations or by any regulation or law of the State of Utah.
- (c) The City shall have presented a prima facie case that the animal is a wild animal as defined by 3-1-1(v) upon showing that the owner or custodian has represented it as such and upon presenting competent evidence that the animal exhibits a primary physical or behavioral characteristic of a wild animal as defined by 3-1-1(v). This will not prevent the City from demonstrating by any other means that the animal is a wild animal as defined by 3-1-1(v).

Amended 2/22/94, Ord. 94-11, Published 3/10/94.

3-1-29. Regulatory Permits.

- (a) Commercial permits: It shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable or any similar establishment unless such person first obtains a regulatory permit from the Division of Animal Control, in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted together with the required permit fee, on a printed form provided by the Animal Control Division to that Division. Before the permit is issued, approval shall be granted by the Salt Lake City-County Health Department and appropriate zoning authority and the Animal Control Division.
- (b) Display of permit: A valid permit shall be posted in a conspicuous place in each establishment and said permit shall be considered as appurtenant to the premises and not transferable to another location. The committee shall notify the Division of Animal Control within thirty (30) days of any change in his establishment or operation which may affect the status of his permit. In the event of a change of ownership of the establishment, the permittee shall notify the Division of Animal Control immediately. Permits shall not be transferable from one owner to another.
- (c) Renewal of permit: Any permit issued pursuant to this section shall automatically expire on the December 31st immediately following date of issue. Within two (2) months prior to the expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made after December 31, except an application for new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.
- (d) Permit fees for regulatory permits as provided herein shall be in such amounts as may be established by resolution of the Sandy City Council.
- (e) Exemptions: Research facilities where bona fide medical or related research is

being conducted, humane shelters, and other animal establishments operated by state or local government or which are licensed by federal law are excluded from the licensing requirements of this chapter.

- (f) Inspections: All establishments required to be permitted under this ordinance shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the Animal Control Division.

3-1-30. Standards for Permitted Establishments.

The Division of Animal Control shall promulgate rules and regulations governing the operation of kennels, catteries, groomeries, pet shops and riding stables. Such rules and regulations shall provide for the type of structures, buildings, pens, cages, runways or yards required for the animal sought to be kept, harbored or confined on such premises; the manner in which food, water and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noises and odors, and the protection of persons or property on adjacent premises; and other such matters as the Director shall deem necessary. Such rules and regulations shall have the effect of law; and violation of such rules and regulations shall be deemed a violation of this ordinance and grounds for revocation of a permit issued by the Division of Animal Control.

3-1-31. Suspension or Revocation of Permit.

- (a) Grounds: A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:
 - (1) falsification of facts on a permit application;
 - (2) violation of any of the provisions of this order or any other law or regulation governing the establishment including noise, building and zoning ordinances;
 - (3) conviction on a charge of cruelty to animals.
- (b) Procedure: If an inspection of kennels, catteries, groomeries, pet shops, riding stables or similar establishments reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:
 - (1) set forth the specific violation(s) found;
 - (2) establish a specific and reasonable period of time for the correction of the violation(s) found;
 - (3) state that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit;
 - (4) state that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Division of

Animal Control within five (5) days of the date of the notice.

- (b) Revocation or suspension. Any permit granted under this ordinance may be suspended or revoked by the Mayor for violations listed in part (a) above. A minimum of five days notice shall be given to the permittee advising him of the date and time for such hearing; and listing the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this chapter have been met.
- (d) Emergency suspension: Notwithstanding the other provisions of this ordinance, when the inspection officer finds unsanitary or other conditions in the operation of kennels, catteries, groomeries, veterinary clinics or hospitals, riding stables, pet shops, or any similar establishments, which, in his judgment constitute a substantial hazard to public health, he may without warning, or hearing, issue a written notice to the permit holder or an operator citing such condition specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be immediately discontinued. A person to whom such an order is issued shall comply immediately therewith. Any animals at such a facility may be confiscated by the Animal Control Division and impounded or otherwise provided for according to the provisions of this chapter.
- (e) Notice provided for under this section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder. A copy of such notice shall be filed with the records of the Division of Animal Control.

3-1-32. Procedure for Court Order.

Unless modified by the court, court orders pursuant to Sections 15, 17 and 19 herein shall be filed according to the following minimum notice and procedure:

- (a) The Director of Animal Control or his authorized representative shall petition the court for the desired action.
- (b) The petition for the action together with supporting affidavits shall be served on the party against whom the action is taken at least five (5) days prior to the hearing.

3-1-33. Dead Animals.

It shall be the duty of every owner of any animal found dead within the City to immediately notify the Health Department of the location of such animals, so that the same may be removed as speedily as possible. It shall be unlawful for any person knowingly to permit any dead animal to remain upon the premises of such person, or for the owner of any dead animal knowingly to permit the same to remain upon any public property or upon any premises within

the County, for more than three hours without notifying the Health Department of the location of same. If the owner of such dead animal does not remove it himself or cause it to be properly removed, the City may cause it to be removed and thereupon assess the actual costs of such removal against the owner, and may avail itself of all remedies in law and equity to enforce such removal and recover the costs thereof.

3-1-34. Violation.

Any person violating the provisions of this ordinance either by failing to do those acts required herein or by doing any act prohibited herein, shall be guilty of an infraction with the exception of Sections 3-1-5 (Interference with an Officer), 3-1-14 (Dogs Attacking Persons and Animals), 3-1-15 (Fierce, Dangerous or Vicious Animals) and 3-1-25 (Cruelty to Animals), which are class "B" misdemeanors. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Chapter 2 **CANINE HOBBY LICENSE**

3-2-1. Purpose.

It is the purpose of this chapter to create in Sandy City a hobby license which shall allow the licensee to maintain five dogs upon the licensed premises.

3-2-2. Hobby License Requirements.

A hobby license shall allow the owner of a dog to keep no more than five dogs over one year of age in a residential area. Such licensee may keep, intact, one litter of pups up to 6 months of age and may thereafter keep one animal from the original litter up to an age of 12 months. At no time shall the licensee keep more than five dogs over one year of age. Nevertheless, the following requirements shall be met by licensee:

- (a) Statement of Hobby Interest. The applicant for a hobby license shall complete a form provided by the City, which form shall require the notarized signature of the applicant and shall indicate that the applicant desires to maintain the said dogs for hobby purposes. Hobby purposes shall include, but not be limited to, the showing of dogs, training of dogs for field trials, the training of dogs for obedience, tracking and other such purposes, and the maintaining of dogs for recreation and sporting purposes.
- (b) Outdoor Requirements.
 - (1) The applicant shall provide dog runs with shelter to protect the animals from foul weather, wind, and excessive exposure to natural elements. Said runs shall also be designed to prevent the escape of any dog constrained therein.
 - (2) All fencing shall be of sufficient strength to prevent the escape of or injury to any dog housed within such fencing.
 - (3) All fencing shall be maintained so that no part of such fence shall be broken, damaged or in any way create the possibility of injury to the enclosed animal or to allow the escape thereof.
 - (4) In addition to providing the fenced animal runs, the applicant shall be required to erect a substantial fence around that portion of the yard in which the animals are maintained.
 - (5) The animal runs located in the yard shall be positioned so as not to be a nuisance to any neighbor and shall be at least forty (40) feet from the nearest portion of any building used as a dwelling.

- (6) No dog runs shall be located within the front yard setback area.
- (7) An opaque screen shall be provided to screen any dog run from view by surrounding persons or from surrounding properties.
- (8) An applicant for a canine hobby license shall submit a plot plan showing the location of the applicant's lot, the location of surrounding and adjoining lots, and shall include the location of all structures presently in place, both main and accessory, and the proposed location of any dog runs, shelters or other such structures.
- (9) No dog run shall be located in the side yard setback area unless specific authorization is granted pursuant to a review by Animal Services.

(c) Size of Dog Runs.

The dog runs required by this ordinance shall have as a maximum size the following:

- (1) The dog run shall be no less than 32 square feet in size when the dog restrained therein is over 50 lbs. in weight.
- (2) The dog run shall be no less than 18 square feet in size when the dog restrained therein is more than 15 lbs. but less than 50 lbs. in weight.
- (3) The dog run shall not be less than 8,000 cu. inches when the dog restrained therein is 15 lbs. or less in weight.
- (4) If the applicant desires to construct dog runs which shall be "communal" in nature, said runs shall be proportionally larger for each additional dog therein.

(d) Bedding.

The bedding contained in the dog runs shall meet the following requirements:

- (1) The bedding shall be of a material which may be either disposed of by sanitary means or removed and cleaned.
- (2) Newspapers or other similar material used to absorb moisture shall be removed and replaced daily and areas beneath them cleaned and disinfected daily. All newspapers or other material removed shall be disposed of in a manner acceptable to the Salt Lake City/County Health Department.
- (3) The floors of a dog run, constructed of concrete, shall provide for a resting board or some type of bedding for the animals restrained therein.
- (4) If any bedding used is of a type that must be cleaned, the material shall be cleaned as often as necessary to maintain a health and sanitary condition.

(e) Cleaning of Dog Runs.

- (1) All runs shall be cleaned and disinfected as needed each day to prevent fecal

accumulation.

- (2) Cleaning agents or chemicals that may be harmful to animal tissue shall not be used where there is a possibility of contact or ingestion of such agents or chemicals by an animal.
- (3) Fecal material shall be properly handled and disposed of in accordance with applicable regulations of the Salt Lake City/County Health Department.
- (4) When necessary, or under the direction of the Salt Lake City/County Health Department, the licensee shall use such chemicals and materials as may be necessary to control insects or other pests.
- (5) Accumulations of waste material or garbage in and around any dog run shall be cleaned up and properly disposed of at least daily. The dog run itself shall be free of litter and the surrounding area shall be neat, clean and free of litter, trash or garbage.

(f) Feed.

The feeding of the dog shall be governed by the following requirements:

- (1) The feed given to the animals shall be stored in a manner so as to prevent contamination from any source.
- (2) Fresh water shall be available to the animal at all times.

(g) Noise Control.

The licensee shall take such steps as may be necessary to assure that noise generated by the dogs owned and kept by the licensee shall not exceed those noise levels or limits as may be established by the Sandy City noise control ordinance. The licensee shall be under the duty to enclose all dogs in a shelter between the hours of 9:00 p.m. and 7:00 a.m.

(h) Zoning Regulations.

A hobby license shall not be granted to any applicant unless the application shall conform to all Sandy City zoning regulations.

(i) Other Regulations.

The licensee shall comply with the provisions of Chapter 3-1 (Animal Control) except Sections 3-1-6 (Dog Licensing) and 3-1-7 (License Tag).

3-2-3. Fees and Required Vaccination.

- (a) The license fee for a hobby license shall be \$50.00 per annum.
- (b) The licensee shall be required to provide proof upon application for the hobby license and, if so requested, to the Hobby License Review Board, of a rabies vaccination for each dog kept and maintained under authority of any hobby

license.

3-2-4. Renewal of License And Inspections.

- (a) Any license issued pursuant to the provisions of this chapter shall automatically expire on December 31st immediately following the date of issue. Within two (2) months prior to the expiration of the license, the licensee shall apply for renewal of the license and pay the required fee. Any application made shall be accompanied by a late application fee of \$10.00 in addition to the regular license fee.
- (b) Animal Services shall inspect each licensed premises at least twice each year.

3-2-5. Exemptions.

Research facilities, wherein bona fide medical or related research is being conducted, humane shelters and other animal establishments operated by state or local governments or which are licensed by federal law, are excluded from the licensing requirements of this chapter.

3-2-6. Revocation of License.

If the licensee is found to be in violation of Title 3 ROSC (Animal Control) on three or more counts during any twelve month period, the Director of Animal Services may seek a court order pursuant to Section 3-1-32, revoking for a period of one year any license(s) such person may possess and impound any dog(s) kept by the person(s) under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of Chapter 3-1- for impounded animals except that the person(s) under the order of revocation shall not be allowed to redeem the dog(s) under any circumstances.

3-2-7. Penalty.

Any violation of the provisions of this ordinance shall be deemed an infraction.

Endnotes

1 (Popup - Popup)

76-9-302. Society to prevent cruelty to animals may designate deputy sheriff. Any society incorporated in this state for the purpose of preventing cruelty to animals may designate, for each county, one or more persons to discover for prosecution, all cases of the violation of the provisions of this part; it shall be the duty of the sheriff of such county to appoint each person designated a deputy sheriff, provided the person is of good moral character; each person so appointed shall possess all the powers of the sheriff of the county in the enforcement of the provisions of this part. The sheriff shall not be responsible for any actions of any such person, but the society, if incorporated, and if not, then the officers and members of the society on request of which this person was appointed, shall be responsible for his acts as a principal for the acts of an agent. The deputy so appointed shall receive no compensation from the county for such services.

2 (Popup - Popup)

76-9-302. Society to prevent cruelty to animals may designate deputy sheriff.

Any society incorporated in this state for the purpose of preventing cruelty to animals may designate, for each county, one or more persons to discover for prosecution, all cases of the violation of the provisions of this part; it shall be the duty of the sheriff of such county to appoint each person designated a deputy sheriff, provided the person is of good moral character; each person so appointed shall possess all the powers of the sheriff of the county in the enforcement of the provisions of this part. The sheriff shall not be responsible for any actions of any such person, but the society, if incorporated, and if not, then the officers and members of the society on request of which this person was appointed, shall be responsible for his acts as a principal for the acts of an agent. The deputy so appointed shall receive no compensation from the county for such services.

3 (Popup - Popup)

No rabies vaccine licensed for use on wild animals; State code requires that any wild animal that bites or scratches be killed at once and the brain examined for rabies. Clark, Karolyn's Pet Resort v. Draper City, 1999 U.S. App. Lexis 2276.

4 (Popup - Popup)

No licensed rabies vaccine available for wild animals; wild animal that bites and scratches can be impounded immediately and killed, brain to be examined for rabies. It is not violation of due process regarding property for this to occur. Property right in foxes suspected of having rabies was subject to police power as delegated by state law. Clark, Karolyn's Petting Zoo v. Draper City, 1999 U.S. App. Lexis 2276.

5 (Popup - Popup)

18-1-3. Any person may kill a dog while it is attacking, chasing or worrying any domestic animal

having a commercial value, or any species of hoofed protected wildlife, while attacking domestic fowls, or while such dog is being pursued thereafter.

6 (Popup - Popup)

23-13-2(35, 49). "Protected wildlife" means crustaceans, including brine shrimp and crayfish; mollusks; and vertebrate animals living in nature, except feral animals and the following: coyote, field mouse, gopher, ground squirrel, jack rabbit, muskrat, and raccoon.